

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

MELISSA STOCKTON,)	
)	
Plaintiff,)	
)	
v.)	Case No. 06-CV-357-GKF-PJC
)	
HOUSECALLS HOME HEALTH)	
SERVICES, INC., et al.,)	
)	
Defendants.)	

O R D E R

This matter comes before the Court on Plaintiff's Motion to Compel/Clarify Discovery Order [Dkt. # 199]. For the reasons set forth below, the Motion is **DENIED**.

During her deposition on September 14, 2007, Teresa Burkett testified that after investigating an allegation of sexual harassment against Derek Apple she could not determine whether the allegation was true or not. She testified that she recommended that the allegation be documented in Apple's personnel file with a notation that "it was investigated and that the investigator could not determine positively yes or no whether it occurred." (Burkett dep., p. 115, lines 16-20, attached as Exhibit "A" to Plaintiff's motion). Although the discovery deadline had passed, Plaintiff was permitted to reopen discovery for the limited purpose of obtaining "any documentation contained in Derek Apple's personnel file to the effect that an investigation for sexual harassment was conducted by Burkett." [Dkt. # 193]. Thereafter, Defendants notified Plaintiff that there was no such documentation in Apple's personnel file.

Plaintiff now complains that Defendants have failed to comply with the Court's Order. Plaintiff contends that Defendants are required to tell Plaintiff whether they

followed Burkett's recommendation to document in Apple's personnel file "whether he was involved in an elicit sexual affair with an employee under his supervision." [Dkt. # 199, p. 2]. Plaintiff has misstated what she requested in her previous motion as well as what Burkett testified to in her deposition. Plaintiff sought to discover "whether Defendants complied with the instructions of the investigator and whether any entry was made in Derek Apple's personnel file." [Dkt. # 190]. The Court ordered production of any documentation in Apple's personnel file that Burkett had investigated a harassment claim but was unable to verify whether or not it was true. Thereafter, Defendants reported there is no such documentation in Apple's personnel file.

The Court finds there is no need to clarify its previous Order. That Order is clear. The Court also finds that Defendants have adequately complied with the Order. Accordingly, Plaintiff's Motion to Clarify/Compel is **DENIED**.

DATED this 5th day of October 2007.



Paul J. Cleary
United States Magistrate Judge